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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 IN RE: PHENYLPROPANOLAMINE
8 (PPA) PRODUCTS LIABILITY
9 LITIGATION

MDL NO. 1407

10 This document relates to the
11 cases listed on Appendices A
12 and B

ORDER OF DISMISSAL WITH
PREJUDICE FOR FAILURE TO
COMPLY WITH CMO NOS. 15
AND 15A

13 BEFORE the court are defendants' proposed orders seeking to
14 dismiss various plaintiffs' claims with prejudice against all
15 defendants for failure to file timely individual complaints as
16 required by Case Management Order ("CMO") No. 15. Defendants also
17 request dismissal of a number of multiple plaintiff complaints
18 pursuant to CMO No. 15A.

19 **I. BACKGROUND**

20 **A. CMO Nos. 15 and 15A**

21 Many cases transferred into Multidistrict Litigation ("MDL")
22 1407 by the Judicial Panel on Multidistrict Litigation were
23 brought by groups of plaintiffs against groups of defendants.
24 Plaintiffs in these multiple plaintiff cases failed to state with
25 specificity which products each plaintiff allegedly ingested, and
26 therefore failed to identify which manufacturers allegedly caused
which plaintiff's injuries. On May 29, 2003, the court entered

1 CMO No. 15, Severance of Multiple Plaintiff Cases, and ruled that
2 these multiple plaintiff cases did not meet the threshold
3 standard for permissive joinder under Fed. R. Civ. P. 20(a). CMO
4 No. 15, at 1-2. CMO No. 15, therefore, directed plaintiffs in any
5 multiple plaintiff cases pending in MDL 1407 as of May 29, 2003,
6 excluding those cases alleging loss of consortium on behalf of a
7 spouse, to file and serve new individual (or "severed")
8 complaints within 30 days of entry of the order. CMO No. 15, at
9 2. CMO No. 15 also provided that in cases docketed in MDL 1407
10 after entry of CMO No. 15, plaintiffs must file and serve new,
11 individual complaints within 30 days of the date of docketing in
12 MDL 1407. CMO No. 15, at 3.

13 CMO No. 15A was entered on August 26, 2003, and provides
14 that "the original multiple plaintiff Complaints (set forth in
15 Exhibit A attached) shall be dismissed with prejudice as of the
16 effective date of this Order, which includes any plaintiffs for
17 whom a timely filed individual severed Complaint was not filed."
18 CMO No. 15A, at ¶3. An Order of Dismissal with Prejudice Pursuant
19 to CMO 15 and 15A dismissed the original multiple plaintiff
20 complaints listed in Exhibit A to that order.¹ Any additional
21 multiple plaintiff complaints filed in MDL 1407 are subject to
22 dismissal pursuant to CMO No. 15A as soon as the applicable
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25 ¹The court denies the untimely motion for reconsideration of
26 this order of dismissal. See Plaintiffs' Motion for
Reconsideration of Order of Dismissal Pursuant to CMO 15 and CMO
15A, filed on December 8, 2003.

1 deadline for filing severed complaints has passed. CMO No. 15A,
2 at ¶3.

3 **B. Defendants' Proposed Orders**

4 In the fall of 2003, defendants informed the court that some
5 plaintiffs who had failed to comply with CMO No. 15 were
6 nevertheless pressing defendants for discovery. The court issued
7 an order on October 30, 2003, reiterating plaintiffs' obligations
8 pursuant to CMO Nos. 15 and 15A. The court directed defendants to
9 submit a proposed order of dismissal listing all cases in which
10 plaintiffs failed to comply with CMO Nos. 15 and 15A. Defendants
11 submitted the two proposed orders which are at issue here.

12 The initial Proposed Order of Dismissal with Prejudice For
13 Cases in Which Plaintiffs Filed Untimely or No Individual
14 Complaints Under CMOs 15 and 15A, was filed on November 7, 2003
15 (the "First Proposed Order"). The First Proposed Order seeks
16 dismissal of the claims of plaintiffs whose cases were pending in
17 MDL 1407 at the time of entry of CMO No. 15. The Second Proposed
18 Order of Dismissal with Prejudice For Cases in Which Plaintiffs
19 Filed Untimely or No Individual Complaints Under CMOs 15 and 15A
20 ("Second Proposed Order") was filed on December 8, 2003, and
21 lists plaintiffs whose severed complaints were due at various
22 points after June 30, 2003, and who failed to comply with CMO
23 Nos. 15 and 15A. The Second Proposed Order also seeks dismissal
24 of a number of multiple plaintiff cases not yet dismissed as
25 contemplated by CMO No. 15A.

1 The court received and considered a considerable number of
2 briefs from plaintiffs who opposed inclusion in defendants'
3 proposed orders, and also considered defendants' reply briefs in
4 support of the proposed orders. Given the volume of plaintiff
5 oppositions, the court will address the plaintiffs' arguments.
6 Having considered the pleadings, and being fully advised, the
7 court finds and rules as follows:

8 **II. DISCUSSION**

9 **A. Dismissal for Failure to Comply with Court Orders**

10 In determining whether to dismiss a claim for failure to
11 comply with a court order, a district court must consider five
12 factors: (1) the public's interest in expeditious resolution of
13 litigation; (2) the court's need to manage its docket; (3) the
14 risk of prejudice to the defendants; (4) the public policy
15 favoring disposition of cases on their merits; and (5) the
16 availability of less drastic sanctions. Pagtalunan v. Galaza, 291
17 F.3d 639, 642 (9th Cir. 2002). In the case of plaintiffs who
18 failed to comply with CMO Nos. 15 and 15A, the court is of the
19 opinion that absent special circumstances, dismissal is
20 warranted.

21 The public's interest in the expeditious resolution of
22 litigation and the court's need to manage its docket clearly
23 weigh in favor of dismissal. The plaintiffs in multiple plaintiff
24 cases do not state with specificity which products they allegedly
25 ingested, nor do they identify the manufacturers who allegedly
26 caused their injuries. Thus, the practical effect of a failure on

1 the part of these plaintiffs to file severed complaints in a
2 timely fashion is that cases have been prevented from moving
3 forward. Such a lack of diligence does not serve the public
4 interest in expeditious resolution of litigation, nor does it
5 assist the court in managing its docket. Yourish v. California
6 Amplifier, 191 F.3d 983, 990-91 (9th Cir. 1999). The failure of
7 plaintiffs to comply with CMO Nos. 15 and 15A has diverted the
8 court's time and resources. Additionally, without the information
9 contained in the severed complaints, defendants are prejudiced,
10 because their ability to defend these cases is seriously
11 compromised. Pagtalunan, 291 F.3d at 642-43.

12 While there is a preference that cases be disposed of on the
13 merits, here, given the failure of some of these plaintiffs to
14 comply with CMO Nos. 15 and 15A, it is impossible to dispose of
15 these cases on that basis. See, e.g., In re Exxon Valdez, 102
16 F.3d 429, 433 (9th Cir 1996) ("policy [of disposing cases on
17 their merits] lends little support to appellants, whose total
18 refusal to provide discovery obstructed resolution of their
19 claims on the merits."). These plaintiffs' unwillingness to file
20 severed complaints, or their serious delay in so doing, is not
21 excusable. Dismissal is warranted, absent a convincing reason
22 for failure to comply with CMO Nos. 15 and 15A.² Therefore, the
23 cases of the plaintiffs listed on Appendix A to this Order are
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26 ²In Section II(B), below, the court addresses the specific
arguments made by plaintiffs opposing dismissal pursuant to CMO
Nos. 15 and 15A.

1 dismissed, with prejudice, against all defendants.³ CMO No. 15A
2 provides that "after all applicable deadlines set forth in CMO 15
3 have elapsed, defendant may move for the dismissal of the
4 original multi-plaintiff complaint[.]" CMO No. 15A, at ¶3.
5 Defendants seek dismissal of various multiple plaintiff
6 complaints on this basis. The multiple plaintiff complaints
7 listed on Appendix B to this Order are dismissed pursuant to CMO
8 No. 15A.

9 **B. Plaintiff Oppositions**

10 **1. Plaintiffs who argue that their severed complaints**
11 **were timely filed**

12 First, a group of seven plaintiffs argue that their severed
13 complaints were in fact timely filed, and that they were wrongly
14 included on defendants' proposed orders. See Plaintiffs' Brief in
15 Support of their Opposition to Defendants' (Second) Proposed
16 Order of Dismissal, filed 12-17-03.⁴ These plaintiffs' severed
17 complaints were due November 14, 2003. There does not appear to

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19 ³Delaco, successor to Thompson Medical Company, filed a
20 petition for bankruptcy in the Southern District of New York on
21 February 12, 2004. Although litigation against Delaco is
22 automatically stayed pursuant to 11 U.S.C. §362(a), the court
23 takes notice of the May 5, 2004 Order Under 11 U.S.C. §362(d) and
24 Fed. R. Bankr. P. 4001 Modifying Automatic Stay *Nunc Pro Tunc* to
Allow Dismissal of Litigation ("Order Modifying Stay"), by United
States Bankruptcy Judge Cornelius Blackshear. The Order Modifying
Stay allows for the entry of this order of dismissal in cases
involving Delaco. See Order Modifying Stay at 2, ¶ 1 and Exhibit
B.

25 ⁴This opposition brief was filed on behalf of the following
26 plaintiffs: Annie L. Brown; Lisa Burchfield; Ollie M. Harper;
Patricia Lovejoy; Lisa Y. Owens; Betty Powell; and Carolyn
Sangster.

1 be any dispute that the same were timely served by mail on that
2 date. See Fed. R. Civ. P. 5(b)(2)(B) (providing that "[s]ervice by
3 mail is complete on mailing."). Plaintiffs claim that their
4 complaints also were timely filed on November 17, 2003, pursuant
5 to Fed. R. Civ. P. 6(e), which plaintiffs allege added three
6 extra days to serve and file the severed complaints. Likewise, 19
7 other plaintiffs filed motions for reconsideration asserting that
8 pursuant to Fed. R. Civ. P. 6(e), their severed complaints, due
9 on July 7, 2003, but filed on July 10, 2003, were timely filed.
10 See Plaintiff's Motions to Reconsider, filed 11-13-03.⁵ The court
11 deems the severed complaints of these plaintiffs to have been
12 timely filed.

13 **2. Plaintiffs who argue that a very minimal delay is**
14 **excusable**

15 A group of 10 plaintiffs filed a motion to reconsider,
16 arguing that their severed complaints, which were filed one day
17 after the deadline, should be deemed timely filed. See Motion to
18 Reconsider this Court's Decision to Sign the Second Proposed
19 Order of Dismissal, filed December 9, 2003.⁶ Another group of
20 plaintiffs seeks the same relief on the grounds that a Federal

21 ⁵These motions were filed on behalf of the following
22 plaintiffs: Oliver Hall; Eleanor Cunningham; Carrie Sails; Sara
23 Williams; Sue Daniel; Samuel Webb; Arthur McKinney; Clyde Ware;
24 Annie Peterson; Johnnie Hill; Jack Spivey; Leslie Dansby; Girish
Patkar; Alan Stockdale; John Pezza; Delores Rosebud; Alfonso

25 ⁶This motion was filed on behalf of the following
26 plaintiffs: Linda Archer; Johnnie Banks; Mackie Boykin; Jannie
Clark; Jimmie Dampier; Louise Gamble; Clementine Jackson; Georgia
Jones; Raymond Sharpe; and Aaron Smith.

1 Express delay caused their severed complaints to arrive one day
2 late. See Motion Regarding Order Interpreting Case Management
3 Order 15, filed November 6, 2003.⁷ The court finds that such
4 inconsequential delays did not prejudice defendants, and,
5 therefore, dismissal of these cases is unwarranted.

6 **3. Plaintiffs who argue that their obligation to**
7 **comply with CMO Nos. 15 and 15A was stayed while**
8 **the court considered their motion to reconsider**
 CMO No. 15.

9 Certain plaintiffs waited to file their severed complaints
10 until 30 days after this court denied their motion to reconsider
11 CMO No. 15. These plaintiffs argue that their obligation to

12 ⁷This motion was filed on behalf of the following
13 plaintiffs: Irene Adams; Linda Adams; Melissa Ardoin; Angela
14 Ashley; Colin Barrilleaux; Carolyn Bourgeois; Peggy Bourgeois;
15 Joyce Bowden; Dorothy Bradley; Rhoenisa Brock; Suze Buras; James
16 Carter; Alton Chalk; Deborah Charlet; Jeffrey Cheramie; Ivystien
17 Cousin; Janna Craig; Emma Richardson for Elnora Davis; Delores
18 DiMattia; Sherry Doucet; Mable Claiborne; James L. Davis;
19 Georgiana Duplessis; Clara Earl; Nellie Emery; Janie Felder obo
20 Jhibria Felder; Rencer Fortenberry; Adeline Foster; Eunice
21 Gambino; Iris Gallano; Cathy George; Daniel Gisevius; Carol
22 Goodlett; Melvin Guerra; Norris Falgout; David Harris; Amon
23 Hebert; Elvira Henry; Lillie Hernandez; Carol Hickman; Elaine
24 Jackson obo Rachael Griffin; Laura Mason-Jackson; Gloria
25 Jennings; Christina Johnson; Gloria Johnson; Pearl Johnson;
26 Kenneth Johnson obo Robert Johnson; Rebecca Jones; Zerlee Jones;
Brenda Keller; Judith Kellum; Lillian Keys; Adrienne Lancelin;
Maria Lazo; Patricia LeCompte; Howard Lee; Theresa Lomax; Anita
Maddox; Florence Mang obo Henry Mang; Joseph Marion; Ronald
Marretta; Addie Martin; Jocelyn Maxwell; Debra Mayer; Edna
McDaniel; Alice McKenzie; Stanley McWilliams; Sandra Miley;
Jessie Means; Jessie Means obo Myrtle Means; Ida Miller; Duffie
Mills; Alphonse Moore; Leon Moore; Sandra Moore; Larry Parker;
Vicelea Percy; Billie Reinninger; Carolyn Ross; Debra Sakowski;
Evert Probst; Sidney Scott; Doris Spurlock; Catherine Stechman;
Connie Stevens; Louis Stevens; Brenda Tate; Ida Triplett; Carolyn
Underwood; Paula Williams; Walter Wright; Charlotte Young; and
Shirley Zeno.

1 comply with CMO No. 15 was stayed until the court ruled on their
2 motion. See Motion to Reconsider This Court's Decision to Sign
3 the Proposed Order of Dismissal with Prejudice filed on November
4 14, 2003.⁸

5 The court requested a response from defendants, who note
6 that plaintiffs did not file a motion to reconsider CMO 15 until
7 one day before their severed complaints were due, and posit that
8 the motion for reconsideration was simply an effort to circumvent
9 CMO 15. The court finds that plaintiffs' belief that their
10 obligation to comply with CMO No. 15 was stayed until the court
11 ruled on their motion for reconsideration was at least arguably
12 reasonable. Therefore, dismissal of these cases is unwarranted.⁹

13 **4. Plaintiffs who allege that their failure to comply**
14 **with CMO Nos. 15 and 15A was due to counsel error**

15 A group of plaintiffs asks to be excused for filing severed
16 complaints a month and a half late. These plaintiffs filed
17 motions to reconsider the dismissal of their severed complaints
18 on the grounds that the late filing was "due only to
19 [plaintiffs'] counsel's oversight and mistake[.]" See Plaintiffs'
20 Motions to Reconsider the Dismissal of Amended CMO 15 Complaint,
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22 ⁸This motion was filed on behalf of the following
23 plaintiffs: Florence Ingram; Reginald Johnson; Lacie Jones; Sarah
24 Lewis; Brady Needham; Viola Oliver; Bessie Steele; Nathaniel
25 Black; Winnie Blaylock; William Boone; Eddie Bullock; Lorilla
Hill; Evelyn Murry obo Bennett Murry; Zula Patterson; Bobbie
Quinn; Janice White obo Phillip White; and Jackie Young.

26 ⁹However, the court warns plaintiffs that such self-designed
extensions of the court's schedules will not be tolerated in the
future.

1 filed November 12, 2003.¹⁰ Defendant Bayer opposed most of
2 plaintiffs' motions, arguing that the severed complaints, which
3 were due on June 30, 2003, but were not filed until August 19,
4 2003, should be dismissed. See Defendant Bayer Corporation's
5 Oppositions to Plaintiff's Motion to Accept Amended Complaint
6 Filed Pursuant to CMO 15, filed December 1, 2003. The court
7 received another motion on behalf of two plaintiffs who likewise
8 blame their failure to comply with CMO Nos. 15 and 15A on
9 oversight of counsel. See Motion of Plaintiffs Hannah Wimberly
10 and Charles Rodgers for Leave to File Amended Complaints Pursuant
11 to CMO 15 Out of Time, filed December 11, 2003. The court
12 considered opposition from two defendants, and plaintiffs'
13 replies in the Wimberly and Rodgers matters. See Defendant Bayer
14 Corporation's Opposition to Plaintiffs' Motion for Leave to File
15 Amended Complaints Pursuant to CMO 15 Out of Time, filed January
16 7, 2004; Defendant SmithKlineBeecham Corporation d/b/a
17 GlaxoSmithKline's Opposition to Plaintiff Wimberly's Motion for
18 Leave to File an Amended Complaint, filed January 14, 2004;
19 Rebuttal of Plaintiffs Hannah Wimberly and Charles Rodgers in
20 Support of Their Motion For Leave to File Amended Complaints Out
21 of Time, filed January 8, 2004; and Rebuttal of Plaintiff Hannah
22 Wimberly in Support of Her Motion For Leave to File Amended
23 Complaint Pursuant to CMO 15 Out of Time, filed January 16, 2004.

25 ¹⁰These motions to reconsider were filed on behalf of the
26 following plaintiffs: Elnora Jefferson; Raymond Stewart; James
Green, Jr.; Calvin McGriggs; Mary Thompson; Shirley Arrington;
Doris Gean Cooper; Roosevelt Harris; Edith and Russell McCook;
Barbara and Lorenzo Walker; and Daffney and Jay Miller.

1 The claims of these plaintiffs are dismissed. Oversight of
2 counsel is not a sufficient excuse for a delay in complying with
3 court orders. See, e.g., Engelson v. Burlington Northern Railroad
4 Co., 972 F. 2d 1038, 1044 (1992) (holding that an attorney's
5 mistake did not excuse a party's failure to file within the
6 applicable statute of limitations). It is the responsibility of
7 all attorneys to keep track of deadlines relevant to their
8 clients' cases.

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10 **5. Plaintiffs who allege the existence of agreements
 with defendants permitting late compliance**

11 A group of plaintiffs claim to have had agreements with
12 defendants allowing them to file their severed complaints late.
13 These plaintiffs indicate that they sent a letter to counsel for
14 defendants seeking extra time, and informing defendants that they
15 should respond if they objected to the extensions sought.
16 Plaintiffs allege that they did not receive any objections, and
17 that some defense attorneys agreed by telephone to the extensions
18 sought. See Plaintiffs' Opposition to Defendants' Second
19 [Proposed] Order of Dismissal with Prejudice for Cases in Which
20 Plaintiffs Filed Untimely or No Individual Complaints Under CMOs
21 15 and 15A, filed December 16, 2003. These plaintiffs also filed
22 a Motion to Accept Filing of Individual Complaints in Above-
23 Specified Related Actions. See Motion to Accept Filing of
24 Individual Complaints in Above-Specified Related Actions, filed
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1 October 17, 2003.¹¹ Defendants filed a reply in which they
2 contend that plaintiffs' counsel failed to secure the extensions
3 as alleged. See Defendants' Reply to Plaintiffs' Opposition to
4 Defendants' Second [Proposed] Order of Dismissal with Prejudice
5 for Cases in Which Plaintiffs Filed Untimely or No Individual
6 Complaints Under CMOs 15 and 15A, filed January 2, 2004.

7 Another group of plaintiffs makes a vague claim that they
8 had agreements with defendants relieving them of many obligations
9 pursuant to various case management orders. They also argue that
10 the issue of compliance with CMO No. 15 is moot since they filed
11 their severed complaints prior to the filing of defendants'
12 proposed orders, and that dismissal is too harsh a remedy for the
13 late filing of severed complaints. Finally, these plaintiffs
14 allege a violation of their due process rights based on
15 defendants' failure to file a formal motion to dismiss their
16 cases pursuant to CMO No. 15. See Plaintiffs' Memorandum in
17 Opposition to Defendants' Proposed Order of Dismissal for Failure
18 to Comply with CMO 15, filed November 13, 2003.¹²

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20 ¹¹This opposition and motion were filed on behalf of the
21 following plaintiffs: Bridgett Arrington; Emma Lee Bailey; Lonnie
22 Bivens; Theodore Fleming; Johnny Fulcher; Eta Mae Gooden; Laurie
23 Goodin; Joe Knight obo Linda Knight; Virginia Madison; Remona
Mitchell; Percy Pennington; Dianne Rushing; Perry Sansing;
Kenneth Smith; Alma Watkins; and Emma Watson obo Benita Brown.

24 ¹²This opposition was filed on behalf of the following
25 plaintiffs: Leslie Ackel; Dianne Albert; Reginald Badon; Stephen
26 Barquet; David Bell; Kim Boutte; Pearl Briscoe; Karen Brown;
Melinda Brown; Raymond Carto; Jean Castille; Faith Chaussy;
Eddison Collins; Edward Comeaux; Stemmie Cooper; Monica Cravinas;
Joan Derbigny; Catherine Benjamin; Joyce Ashton; Betty Everidge;
Yvette Fox; Createo Gordon; John Green; Lula Hayes; Lisa
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1 Defendant Wyeth filed a reply on behalf of all defendants,
2 flatly denying that defendants were party to any agreements with
3 plaintiffs that would have relieved plaintiffs of their
4 obligation to file timely CMO No. 15 severed complaints, and
5 opposing plaintiffs' additional arguments. See Defendants' Reply
6 to Plaintiffs' Memorandum in Opposition to Defendants' Proposed
7 Order of Dismissal for Failure to Comply with CMO 15, filed
8 December 1, 2003.

9 The court finds that these plaintiffs failed to establish
10 the existence of agreements allowing them to file late severed
11 complaints. Furthermore, the mere fact that plaintiffs may have
12 filed and served severed complaints prior to the filing of
13 defendants' proposed orders does not render the issue of
14 compliance with CMO Nos. 15 and 15A moot, as it does not
15 alleviate the prejudice to defendants. Plaintiffs' contention of
16 a violation of due process is frivolous. Therefore, the claims of
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19 Henderson; Shirley Howard; Rosa Jackson; Karen James; Hilda
20 Johnson; Kathleen Jones; George Kenny; Janice King; Joanne King;
21 Jerry Bell; Gus Bennett; Brian Holder; Lawrence P. Jackson;
22 Melvin Joseph; Roline Keller; Merrie Lafargue; James McFarland;
23 Virginia Railey; Eugene Wells; Tommy Williams; Hazel Wilson;
24 Sydney Claire Woodall; Debra Simmons; Francis Laporte; Lula
25 Lewis; Edith Lindsey; Bobby Lonzo; Ronald Mack; Sandra Mailhes;
26 Rodney Mayeaux; Rose McCrary; Mary McGary; Evangeline McGee; Anne
Monley; Khadihah Muhammed; Eddison Nicholas; Herman Pembroke;
Carol Rankins; Cassandra Richardson; Reginald Sanders; Tina
Simmons; Ella Mae Spurlock; Carolyn Taylor; Wendell Taylor;
Joseph Thomas; Sheri Thompson; Cynthia Touissant; Whitney Tripps;
Dorothy Warren; Jackie White; Franklin Wimberly; Rosa Rogers obo
Mary Rogers; Harold Winters; White-Shadawn obo Brenda White; Mae
Johnson obo Helen Martin; and Aline Ricks obo Estelle Robertson.
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1 these plaintiffs alleging the existence of agreements with
2 counsel permitting late compliance are dismissed.

3 **6. Plaintiffs who argue that they did not comply with**
4 **CMO Nos. 15 and 15A out of concern that filing**
5 **severed complaints would jeopardize motions for**
6 **remand to state court**

7 A group of 5 plaintiffs have informed the court that they
8 were reluctant to file severed complaints out of a concern that
9 filing such complaints would waive their arguments made in
10 pending motions for remand to state court that this court lacks
11 jurisdiction over their cases. See Memorandum of Law in Support
12 of Plaintiffs' Motion for Relief From and in Opposition to
13 Defendants' Proposed Orders of Dismissal with Prejudice for Cases
14 in Which Plaintiffs Filed Untimely or No Individual Complaints
15 Under CMOs 15 and 15A, dated January 13, 2004; Motions for
16 Reconsideration dated November 17, 2003; and letter dated October
17 16, 2003.¹³ These plaintiffs contend that they attempted to reach
18 agreements with defendants that they would file severed
19 complaints when and if the court denied their pending motions to
20 remand, but defendants refused to enter into such agreements.
21 Thereafter, plaintiffs filed severed complaints approximately 11
22 days late. The court rules that because plaintiffs' concerns were
23 reasonable, and the delay relatively brief, dismissal of
24 plaintiffs' cases is unwarranted.

25 ¹³The opposition, motions for reconsideration and letter
26 were filed on behalf of the following plaintiffs: Anderson
Washington; Samuel Hawkins; Sherry Gaines; Byron Mabry; and
Cherrice Jamison.

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DATED at Seattle, Washington this 7th day of May, 2004.

BARBARA JACOBS ROTHSTEIN
UNITED STATES DISTRICT JUDGE

Appendix A
Individual Cases Dismissed Pursuant to CMO 15/15A

Case Name	Case Number
Ackel- Leslie	C03-3690
Albert- Dianne	C03-3691
Archer- Linda o/b/o Juniker Pigron	C03-3516
Arrington- Bridgette	C03-3420
Arrington- Shirley	C03-3443
Ashton- Joyce	C03-3098
Badon- Reginald	C03-3693
Bailey- Emma	C03-2691
Barquet- Stephen	C03-3702
Bell- David	C03-3096
Bell- Jerry	C03-3076
Benjamin- Catherine	C03-3477
Bennett- Gus, Sr.	C03-3073
Bivins- Lonnie	C03-3912
Black- Nathaniel	C03-2602
Blaylock- Winnie	C03-2583
Bolian- Carol	C03-3095
Boone- William	C03-2584
Boutte- Kim	C03-3692
Briscoe- Pearl	C03-3694
Brown- Karen	C03-3695
Bullock- Eddie	C03-2585
Carto- Raymond	C03-3698
Castille- Jerlean	C03-3699
Chaussy- Faith	C03-3700
Collins- Eddison	C03-3704
Comeaux- Edward	C03-3097
Cooper- Doris Gean	C03-3481
Cravinas- Monica	C03-3706

Derbigny- Joan	C03-3703
Doherty- Margaret o/b/o Louis Doherty	C03-3092
Everidge- Betty	C03-3361
Fleming- Theodore	C03-2696
Fox- Yvette	C03-3714
Fulcher- Johnny	C03-2701
Gooden- Eta Mae	C03-2704
Goodin- Laurie	C03-3266
Gordon- Creato	C03-3709
Green - John	C03-3710
Green- James, Jr.	C03-3442
Harris- Roosevelt	C03-3483
Hayes- Lula	C03-3712
Henderson- Lisa	C03-3713
Hill- Lorilla	C03-2586
Holder- Brian	C03-3066
Howard- Shirley	C03-3362
Ingram- Florence	C03-2604
Jackson- Lawrence P.	C03-3063
Jackson- Rosa	C03-3093
James- Karen	C03-3091
Jefferson- Elnora	C03-3444
Johnson- Christina	C03-2148
Johnson- Gloria	C03-1742
Johnson- Hilda	C03-3363
Johnson- Mae o/b/o Helen Martin	C03-3084
Johnson- Reginald	C03-2600
Jones- Kathleen	C03-3364
Jones- Lacie	C03-2607
Joseph- Melvin	C03-3064
Keller- Roline	C03-3074
Kenny- George	C03-3708
King- Janice	C03-3365

King- Joanne	C03-3366
Knight- Joe o/b/o Linda Knight	C03-2703
Lafargue-Merrie	C03-3068
Laporte- Frances	C03-3085
Lewis- Lula	C03-3357
Lewis- Sarah	C03-2608
Lindsey-Edith	C03-3358
Lonzo- Bobby	C03-3359
Mack- Ronald	C03-3360
Madison- Virginia	C03-2695
Mailhes- Sandra	C03-3087
Maury- Oleta o/b/o Gwendolyn Reed	C03-3456
Mayeaux- Rodney Sr.	C03-3715
McCook- Edith	C03-3455
McCrary- Rose	C03-3716
McFarland- James	C03-3065
McGary- Mary	C03-3718
McGee- Evangeline	C03-3719
McGriggs- Calvin	C03-3428
Miller- Daffney	C03-3480
Mitchell- Remona	C03-3457
Monley- Anne	C03-3720
Muhammad- Khadijah	C03-3083
Murry- Evelyn o/b/o Bennett	C03-2587
Needham-Brady	C03-2599
Nicholas- Eddison	C03-3721
Patterson- Zula	C03-2589
Pembroke- Herman	C03-3722
Pennington- Percy	C03-0851
Quinn- Bobbie	C03-2580
Railey- Virginia	C03-3062
Rankins- Carol Ann	C03-3088
Richardson- Cassandra	C03-3089

Ricks-Aline o/b/o Estelle Robertson	C03-3077
Rogers- Rosa o/b/o Mary Rogers	C03-3081
Rushing- Dianne	C03-2700
Sanders- Reginald	C03-3354
Sansing- Peggy o/b/o John Sansing	C03-3424
Simmons- Debra	C03-3075
Simmons- Tina	C03-3344
Smith- Kenneth	C03-3268
Spurlock- Ella Mae	C03-3345
Steele- Bessie	C03-2601
Stewart- Raymond	C03-3441
Taylor- Carolyn	C03-3351
Taylor- Wendell	C03-3343
Thomas- Joseph	C03-3342
Thompson- Mary	C03-3440
Thompson- Sheri	C03-3353
Toussaint- Cynthia	C03-3347
Tripps- Whitney	C03-3355
Walker- Barbara	C03-3479
Warren- Dorothy	C03-3348
Watkins- Alma	C03-2698
Watson- Emma obo Benita Brown	C03-2705
Wells- Eugene	C03-3069
White- Jackie	C03-3350
White- Phillip	C03-2591
White- Shadawn o/b/o Brenda White	C03-3071
Williams- Tommy	C03-3067
Wilson- Hazel	C03-3070
Wimberly- Franklin	C03-3080
Winters- Harold	C03-3352
Woodall- Sydney Claire	C03-3072
Young- Jackie	C03-2592

Appendix B
Multi-Plaintiff Cases Dismissed Pursuant to CMO 15/15A

Aidt- Rhonda	C03-2733
Addison- Tawnyna	C03-2713
Ainsworth- Catherine	C03-2717
Bailey- Ozell	C03-2719
Britton- Sandra	C03-1101
Brooks- Mary	C03-2854
Clark- Essie	C03-2760
Clark- Jannie	C03-2863
Cooper- Rose	C03-3163
Davis- Kenneth	C03-2742
Dunn- Nancy	C03-1346
Dyson- Amos	C03-2715
Goodman- Carrie	C03-2492
Gray- James	C03-2724
Green- Cleota	C03-0603
Hicks- John	C03-2486
Jones- Sherry	C03-2725
Kincaid- Mattie	C03-2714
May- A.C.	C03-2483
Owens- Lisa	C03-2716
Pegues- Casey	C03-2477
Reed- Isiah	C03-2495
Robbs- Virginia	C03-0601
Rogers- Margaret	C03-2488
Sims- Quitman	C03-2764
Smith- Rosie	C03-2482
Sykes- Mittie	C03-2710
Thomas- Earline	C03-2718
Thomas- Gwendolyn	C03-0862

Tingle- Marcus	C03-2478
Wheeler- Dorothy	C03-2850
Wheeler- Tyree	C03-2763
White- Ansleum	C03-2489
Whittington- Lowell	C03-2852